



Abduction of a child to Australia
Draft Family Court of Australia orders -
Schedule of possible conditions and undertakings

That the childshall be returned to (*country of habitual residence*) in the company of (*the abducting parent*) within 14 days of the Central Authority notifying (*the abducting parent*) that the Central Authority is satisfied that

- (A) (*country of habitual residence*) Immigration authorities have issued visas for (*the abducting parent*) and the child to return to and remain in (*country of habitual residence*) as long as necessary to enable the issue of custody of the child to be heard and finally determined by the (*country of habitual residence*) Court; and
- (B) the overseas applicant has paid to the Australian Central Authority sufficient moneys to pay for airline tickets from Australia to (*country of habitual residence*) for (*the abducting parent*) and the child ;
- (C) the overseas applicant has paid to the Australian Central Authority the sum of to cover the initial cost of accommodation and living expenses for 14 days for (*the abducting parent*) and the childfollowing their return to (*country of habitual residence*) ;
- (D) the overseas applicant has given the following undertakings to the appropriate (*country of habitual residence*) Court, namely
 - (a) he/she will take all necessary steps to support (*the abducting parent*)'s applications to (*country of habitual residence*) Immigration authorities for (*the abducting parent*) and the child to return to and remain in (*country of habitual residence*) as long as necessary to enable the issue of custody of the child to be heard and finally determined by the (*country of habitual residence*) Court;
 - (b) he/she will not to seek nor support the institution or continuation of any criminal proceedings against (*the abducting parent*) arising from the removal of the child from (*country of habitual residence*);
 - (c) he/she agrees to a stay of the orders of the (*country of habitual residence*) Court in civil action filerelating to custody of the child and he/she will not remove, nor support the removal, of the child from the care and control of (*the abducting parent*) until the issue of custody is heard and finally determined by the (*country of habitual residence*) Court;

(d) he/she will pay to *(the abducting parent)* the sum of per week for appropriate accommodation in*(country of habitual residence)* area for *(the abducting parent)* and the child until the issue of custody is finally determined by the *(country of habitual residence)* Court;

(e) he/she will pay to *(the abducting parent)* the sum of per week to cover the cost of living expenses for *(the abducting parent)* and the child, until the issue of custody is finally determined by the *(country of habitual residence)* Court;

(f) he/she will make available a motor vehicle for the use of *(the abducting parent)* and the childuntil the issue of custody is finally determined by the *(country of habitual residence)* Court;

(g) he/she will pay to *(the abducting parent)* the sum of to cover the initial cost of *(the abducting parent)* retaining an attorney to contest the issue of custody in the *(country of habitual residence)* Court;

(h) he/she will co-operate with *(the abducting parent)* to ensure that the *(country of habitual residence)* Court finally determines the issue of custody without delay.

Note : where the overseas applicant believes that any of the above conditions or undertakings are inappropriate in his/her particular case, he/she should provide evidence to support his/her claim (eg the abducting parent already has rights of entry to the country of habitual residence, airline tickets, alternative sources of financial support).